

TUESDAY, July 15th, 1856.

The Senate was called to order by the President, pursuant to adjournment—roll called—quorum present—prayer by the Chaplain.

Mr. McDade presented the petition of J. C. Miller—referred to the Committee on Private Land Claims No. 1.

Mr. Bryan presented the petition of Mrs. R. A. Phelps—referred to the Committee on Claims and Accounts.

Mr. Taylor of F., presented the petition of Abraham Eddins—referred to the Committee on Private Land Claims No. 2.

Also, the petition of Theophilus Eddins—referred to same Committee.

Mr. Hill presented the petition of the heirs of Conrad Jergins, deceased—referred to Committee on Private Land Claims No. 2.

Mr. Lott introduced a bill to extend the time for the return of field notes—read 1st and 2d times, and referred to the Committee on Public Lands.

Mr. Bryan introduced a bill to consolidate the Texas Monumental Committee and the Texas Military Institute, with Rutgersville College—read 1st and 2d times and referred to Committee on Education.

Mr. Pedigo introduced a bill to authorize and require the records of Menard county to be transcribed—read 1st and 2d times, and referred to the Committee on Counties and County Boundaries.

Mr. Taylor of Cass, introduced a bill making an appropriation to pay James H. Rogers, for services as special Judge of the Supreme Court—read 1st and 2d times, and referred to the Committee on Finance.

Mr. McCulloch introduced a bill to amend the 2d, and repeal the 3d, 4th, 5th, and 6th sections of an act concerning free persons of color, approved on the 5th of February, 1840—read 1st and 2d times and referred to the Committee on the Judiciary.

Mr. Flanagan introduced a bill to authorize James M. Waide to construct a bridge across the Sabine River—read 1st and 2d times, and referred to the Committee on Internal Improvements.

Mr. Scott introduced a bill to authorize the County Court of Harrison county to loan the money arising from the transfer of the State taxes to the counties for the years 1856 and '57



—read 1st and 2d times, and referred to the Committee on Counties and County Boundaries.

Mr. Taylor of Cass, chairman of the Committee on the Public Debt, made the following report :

The Committee on Public Debt, to which was referred a bill making an appropriation for the payment of a portion of the Public Debt of the late Republic of Texas, find, upon examination, that the bill proposes to pay certain persons for services in the Army of the late Republic of Texas. In one case alone, out of the many alluded to by that bill, are the facts sufficiently proven to authorize a payment by the Auditorial Board, and as there is now pending in the House, a bill which has passed the Senate, and which virtually re-opens the Auditorial Board, with some discretionary powers, we deem it imprudent for the Legislature to take action on this character of claims, but think that they should go before the Commissioner of Claims, should the bill, above alluded to, pass.

I am, therefore, instructed by the Committee to report a substitute for the original bill, and recommend the adoption of the substitute and the passage of the bill.

Mr. Whitaker, chairman of the Committee on Private Land Claims No. 2, to which was referred a bill for the relief of Absolom D. Lott, reported the same back with an amendment, recommending its adoption, and the passage of the bill.

Mr. Superviele, chairman of the Committee on Counties and County Boundaries, to which was referred the petition of certain citizens of Tyler county, praying for the incorporation of the town of Woodville, reported the accompanying bill, recommending its passage.

A bill to incorporate the town of Woodville—read 1st time.

Mr. Taylor of Fannin, chairman of the Committee on Private Land Claims No. 1, to which was referred the memorial of Wm. Reid, reported a bill for his relief, granting him 320 acres of land.

A bill for the relief of Wm. Reid—read 1st time.

Mr. Taylor of Fannin, chairman of the same Committee, to which was referred the petition of Juan Francisco Benigno Chaves, reported the same back, recommending its rejection.

Mr. Taylor of Fannin, chairman of the same Committee, made the following reports :

The Committee on Private Land Claims No. 1, have examined a bill granting nine hundred and sixty acres of land to



Mrs. Mary Opham, wife of John Opham, report the same back, recommending its passage.

The undersigned Committee No. 1 on Private Land Claims, to which was referred the bill, originating in the House, for the relief of the heirs of Carlos Espalier, deceased, have had the same under consideration, and after a full investigation of all the testimony produced in support of the relief sought by the bill, they instruct me to say that they are well satisfied that the heirs of the said Carlos Espalier are justly entitled to one-third of a league of land, as the head-right of their deceased ancestor—also to nineteen hundred and twenty (1,920) acres, as donation lands. They, therefore, further instruct me to report the bill back to the Senate, recommending its passage without amendment.

On motion of Mr. Taylor of Fannin, the rule was suspended, bill read, and passed to a 3d reading.

On motion of Mr. Taylor of Fannin, the rule was further suspended, bill read 3d time, and passed.

Mr. Whitaker, chairman of the Committee on Private Land Claims No. 2, to which were referred the petitions of M. F. Alexander, and the heirs of Jas. Lasley, reported bills for their relief, recommending their passage.

A bill for the relief of M. F. Alexander;

And a bill for the relief of the heirs of Jas. Lasley;

Read 1st time.

Mr. Superviele, chairman of the Committee on Counties and County Boundaries, to which was referred a bill to create the county of McCulloch, reported the same back, recommending its passage.

Mr. Palmer, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to which was referred the bill supplementary to, and amendatory of an act to fix the salaries of the Judges of the Supreme and District Courts, have considered the same, and instruct me to report the bill back, recommending its passage.

The Committee concur in the belief that it was expected, at the time of the passage of the act to which the bill now reported is a supplement, that the act was to go into effect from and after its passage, and they are convinced that all Judges elected or qualified after its passage, should be entitled to its benefits, as provided in the present bill.

Mr. Lott, chairman of the Joint Select Committee, on the



part of the Senate, to which was referred a resolution authorizing the State Officers, to settle with Paymaster Giles S. Boggess, reported the accompanying bill, recommending its passage.

A bill for the relief of Giles S. Boggess—read 1st time.

Mr. Potter, chairman of the Judiciary Committee, made the following report :

The Judiciary Committee have considered a bill to amend an act legalizing the official acts of Wm. H. Steel, Commissioner, and their report thereon, made to the Senate on the 5th of December last. The former report of the Committee was made after mature consideration of the bill, and distinctly stated the material ground of objection to it, and upon a re-examination of the bill, report, they are only the more strongly convinced of the correctness of the views then taken by them, of the matter. It may be, and probably is, true that the titles proposed to be confirmed by the bill, were made to parties who were actual colonists, and entitled to the lands, and that the titles were extended before either the Commissioner or the parties were aware of the adoption of the act of the Provisional Government of Texas, of Nov. 13th, 1835, closing the Land Offices. Many other titles were extended by other Commissioners, in the same way, and during the same time, and as the Committee fully believe, to parties who were entitled to lands, under the colonization laws of Coahuila and Texas. Yet, the framers of the Constitution of the Republic of Texas denounced them all as null and void : Section 10 of the General Provisions of the Constitution of the Republic, and the Constitution of the State provides that they shall remain precisely in the situation in which they were, before the adoption of the Constitution : Section 20 of 7th article of Constitution of the State. That many persons to whom titles were extended by the Commissioners, after the 13th of Nov., 1835, were entitled to the lands attempted to be conveyed to them, as a matter well known, and it is also believed that many titles were issued after the closing of the Land Offices by the Provisional Government, to fictitious parties, and such as were not entitled, and were frauds upon the country. Such being the case, even if the Legislature had the power to confirm, yet it could not be done by any general law, without confirming those issues in fraud, and open and known violation of the act of the Provisional Government, closing the Land Offices. The act of Nov. 13th, 1835, was passed when clouds



and danger surrounded the then few inhabitants of Texas—the public domain was the only fund, or foundation for credit, from which to obtain means to sustain the revolutionary struggle, and it was deemed proper by the patriotic men of that day, to stop all former proceedings for the disposition of lands, and to hold them, at least for a time, for the benefit of volunteer soldiers, who should embark their all in our cause. On the organization of the government, under the Constitution of the Republic, ample provision was made for the protection of such of the former citizens of the country, as had not, previous to Nov. 13th, 1835, received the lands to which they were entitled, under the colonization laws of Coahuila and Texas. Had not the persons, intended to be protected by the provisions of the bill under consideration, received titles to the quantum of land to which they were entitled, they would have been in a condition to have taken the benefit of the land laws of the Republic, and would undoubtedly have obtained their lands under the provisions of said laws. The Committee believe that the only proper course to pursue is to grant relief by way of donation, or new grant, to such persons as may show that they were entitled to lands previous to Nov. 13th, 1835, and were so unfortunate as to receive their titles from the Commissioners, subsequent to that date; and the Committee think relief should be granted in all such cases. Entertaining these views, the Committee direct me to return the bill to the Senate, with the same recommendation as contained in their former report—to wit: that the bill be rejected.

Mr. Wren, chairman of the Select Committee to which was referred a resolution requiring the Judiciary Committee to report a bill distributing the School Fund, now in the Treasury, to the counties according to white population, with a substitute therefor, reported the same back, recommending, under instruction from a majority of the Committee, the adoption of the original resolution.

Mr. Palmer, from the same Committee, submitted the following minority report:

The undersigned, members of the Special Committee of five, which was appointed to take into consideration the resolution, referred to them by the Senate, proposing to distribute the School Fund, now in the Treasury, to the counties, pro rata, according to white population, giving the County Courts the right to loan the same on mortgages upon real estate, and the substitute which was offered for the same, beg leave to dissent



from the report made by a majority of said Committee, and to enter their most solemn protest against the policy embraced in the resolution itself. The School Fund remaining in the Treasury, and referred to in said resolution, consists of two millions of dollars of the United States indemnity bonds, which are bearing five per cent. interest per annum, which interest, under the present law, is subject to distribution, annually, among the several counties for school purposes. The undersigned members of the Committee, do not hesitate for a moment to express their preference for the present investment, over the change proposed by the resolution referred to. The best friends of education admit the present investment to be a safe one, and one well calculated to make the fund yield an advantageous support to a general system of schools. And while we would most cheerfully concur in any other investment, which would be as safe for the fund, and more beneficial to the general interest of the State, we can never directly or indirectly, give our assent to any proposition to cut up and divide, and (we might add) waste and fritter away this fund, as embraced in the resolution referred to. The undersigned believe that no good reason can be given for the proposed change, whereas many serious objections arise to it.

The fund, as it now remains in the Treasury, can be controlled and managed without trouble or expense. The interest can be collected annually, and applied to the support of schools, without risk. But if you undertake to distribute the whole fund among the several counties, now consisting of about one hundred and fifteen in number, this one fund will have to be divided into one hundred and fifteen parts, and placed under the control and management of at least as many officers. This will necessarily greatly increase the cost and risk of managing the several funds, without any corresponding advantages. The bonds themselves, in order to make the distribution, would have to be converted into cash, and transferred into the several county Treasuries. The undersigned have not before them any data from which an accurate estimate of the cost of such a change can be made. But they have before them a bill of the costs incurred by James B. Shaw, in 1852, in converting \$600,000 of the United States bonds into cash, and transmitting the same to Texas, including insurance, &c., amounting to \$10,542.75. Adopting this as a correct data, the cost of thus converting the \$2,000,000 into cash, and transferring the same to the State, would be about 40,000, and it would cost



at least as much, or more, to transfer the several funds into the several county Treasuries.

And when thus transferred into the county Treasuries, what candid man can say that the prospects of public schools would be improved by the change? The undersigned are aware that it is proposed by the friends of the change, that the several funds, thus transferred to the several counties, shall be loaned out, and the interest arising on the same be used for the support of schools. But here again another heavy expense is to be incurred. One or more officers in each county will have to be provided by law, to take charge of, and control the funds—to lend out and collect the principal and interests—to keep the accounts and disburse the funds. These officers would have to enter into heavy bonds, and would have to be liberally compensated for their responsibility and trouble. And should the parties borrowing the money fail, or neglect to pay the principal or interest annually, attorneys would have to be engaged to enforce the collections, at a heavy expense, and thus the interest, instead of being subject to be used annually for the support of schools, would be completely absorbed in expenses and costs, and the entire school system obstructed in its operation from the delays of law suits, judgments, executions, &c., until the whole would be a disgusting farce—a curse to the county, and a reproach upon the originators.

But another objection, which the undersigned would urge, to the proposed change, is that the resolution proposes to distribute the fund among the present counties, and to leave the new counties, hereafter to be formed, entirely without a fund. While the fund remains in the Treasury, as a unit, it will be used for the just and equal benefits of all portions of the State. New counties, in their first struggles to establish schools within their limits, would receive encouragement and support from the interest on this fund, and become the equal beneficiaries with the older counties which would not stand so much in need of assistance.

We have a young and flourishing State, and though we have already about one hundred and fifteen counties, the day is not far distant when we will number two hundred, and when we will become not only the Empire State of the South, but of the Union. And we hope and trust that no true friend of the public school system, would wish to see its beauty thus marred by such unjust distinctions between the old and new counties. The undersigned do not hesitate for a moment to



express the belief that the Legislature is far more competent to manage and control the school fund as a unit, than the several County Courts and Officers of the different counties, and we think the experience of other States, as well as our own, will bear us out in the assertion. A large majority of the States in the Union, which have ever had school funds of any importance, have held their fund undivided, and kept the principal, and used the interest annually for the support of schools. Rhode Island has its school fund, as well as its other surplus revenue, invested in bank stock and other security, and uses the interest annually.

The school fund of Connecticut, consisting of over two millions, is invested in bonds, mortgages, and bank stock, as one fund.

The school fund of Alabama arises from the sale of lands granted by Congress. This fund consisting now of over \$1,000,000, together with the university fund of \$300,000, remain as a charge against the State, on which the State pays interest annually.

Under the Constitution of Louisiana, the proceeds of lands granted for the purpose, and of lands escheated to the State, was held as a permanent fund, on which six per cent. interest is paid by the State for the support of schools.

In Ohio, the school fund, of over one million of dollars, is loaned to the State, and the interest on the same, together with the amount raised by annual taxation, is used for the support of schools.

In Tennessee, the school fund is invested in bank stock, yielding an annual income of \$118,000, for the support of schools.

The school fund of Wisconsin is now over one million, and is kept invested at 7 per cent. interest, which is collected by the State and distributed among the counties for the support of schools.

The school fund of New York, to \$6,708,352.80, is kept invested, yielding an annual revenue of \$854,378.32, which revenue is distributed annually for the support of schools.

The school fund of Kentucky consists of State bonds and bank stock, the proceeds from which are distributed annually.

Thus, nearly every State in the Union, which has any permanent school fund, keeps the same invested so as to realize an annual interest for the support of schools, and they distribute the interest among the counties, but not the fund itself.



The only State, now within the recollection of the undersigned, which ever undertook to distribute a general fund among its several counties, was the State of Arkansas. This State once held an Internal Improvement Fund of over \$1,000,000, which was realized from the sale of lands granted by the Congress of the United States. Some ten years ago, this fund was distributed among the several counties, to be used by them for purposes of Internal Improvement, and the result has been that the entire fund has been wasted by the counties, and not one dollar expended for the purposes for which it was intended. Arkansas is, to-day, without one mile of railroad, or one dollar's school fund in her Treasury—a fit commentary upon the policy of trusting to county legislation to develop the resources of a State.

But we need not travel out of our own State to find examples of the evils of thus trusting to the counties to carry out any definite policy for the general benefit of the entire State.

Although the several counties of the State have been left to regulate their own municipal affairs, such as roads, ferries, bridges, public buildings, &c., and though the State has extended to them every facility by legislating in their behalf, and releasing to them the State taxes for a number of years; it is a notorious fact that more than one-half of them have never erected good and sufficient public buildings, and a great number of them are involved in debt to the extent of thousands, while the county funds are wasted and squandered by the county officers, who are responsible only to themselves.

But not only have they thus misapplied and wasted the funds, but have shown an utter carelessness with regard to securing for their counties what has been given them by the State.

By reference to the message of Governor Pease, of last winter, it will be seen that but 954,181 acres of the 1,753,488 to which the ninety-nine old counties were then entitled, had then been selected; that forty-one counties only had selected their full amount; that twenty had selected 227,989 acres of the 354,240 to which they were entitled, and thirty-eight had made no selections at all, so that 799,307 acres remained to be selected. That nineteen of the counties which had made no selections were organized in 1846, or previous to that time; six were organized in 1848, and thirteen were organized at different periods between the years 1849 and 1854.

The undersigned fully concur with Gov. Pease in the ex-



pression, in his message, that "it is reasonable to expect that those who have neglected for so long a period to avail themselves of these liberal grants of land, will not, hereafter, manage them with that care and attention that will be required to realize their full value;" and so forcibly was the Governor impressed with the belief that it would be better to convert these lands into a general fund for the whole State, that he urgently recommended an amendment of the Constitution, vesting these in the State to be administered as a common fund for the benefit of all the counties.

Almost the same indifference has been shown by the several counties in using the interest on the school fund which has been distributed among them for the annual support of schools, and we are informed by the Treasurer of the State, that a large portion of this interest is now in the hands of the county Treasurers, neither drawing interest nor being used for the support of schools. With such facts before us, the undersigned cannot refrain from expressing the belief that it will be better, for the school fund, and the interest of the State at large to permit the fund to remain as now invested in the United States bonds, drawing an annual interest, than to undertake to distribute it among counties, as proposed in the resolution and substitute referred to the Special Committee. It will be better administered for the benefit of all the counties of the State, under the control and management of one good and efficient officer, than it can possibly be entrusted to a hundred and fifteen different officers, who will be scattered over the whole State, and in a great degree ignorant of the duties imposed upon them by the proposed change.

E. A. PALMER,

R. H. GUINN.

Mr. Guinn, chairman of the Committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill for the relief of Fraglan de la Garza;

A bill for the relief of James P. Nash;

A bill for the relief of F. R. Lubbock;

A bill authorizing the County Courts to furnish offices for Sheriffs and the District Surveyors of their respective counties;

And a bill to incorporate the town of Boston, in Bowie county.

Mr. Allen, chairman of the Committee on Enrolled Bills, reported correctly enrolled, properly signed, and this day submitted to the Governor:



A bill for the relief of the heirs of Carlos Espalier, deceased.  
 A bill to provide for the better security of the Archives of the State Department.  
 And a bill to incorporate the city of San Antonio.

### ORDERS OF THE DAY.

On motion of Mr. McCulloch, the vote rejecting the joint resolution proposing an amendment to the Constitution, relative to a disposition of the public lands, after a specified time, was reconsidered.

Mr. McCulloch offered the following amendments :

- 1st. Strike out "1st January," and insert "1st of April."
- 2d. After the words "Internal Improvements," insert "and the establishment and support of charitable institutions."
- 3d. Strike out all that refers to the "sectionizing" of the public lands.

On motion of Mr. Palmer, the bill and amendments were made the special order for to-morrow.

A House bill making an appropriation for the per diem pay and mileage of the Members, and the per diem pay of the Officers of the adjourned session of the Sixth Legislature—read 1st time.

On motion of Mr. Taylor of Cass, the rule was suspended, bill read 2d time, and referred to the Committee on Finance.

A House bill supplemental to an act entitled an act to fix the salaries of the Judges of the Supreme and District Courts—read 1st time.

Mr. Potter offered a substitute for the bill.

On motion of Mr. Armstrong, the bill and substitute referred to the Committee on the Judiciary.

A House bill for the relief of the heirs of F. J. Bellows, deceased—read 1st time.

On motion of Mr. Taylor of Cass, the rule was suspended, bill read 2d time, and referred to the Committee on Private Land Claims No. 1.

A House bill to incorporate the town of Anderson—read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2d time, and referred to the Committee on the Judiciary.

A House bill for the relief of the heirs of Geo. W. Jewell, deceased—read 1st time.

On motion of Mr. Allen, the rule was suspended, bill read 2d time, and referred to the Committee on Public Debt.

A House bill amending an act to change the Sixth and



Ninth Judicial Districts of the State of Texas, and to define the time of holding Courts therein—read 1st time.

On motion of Mr. Flanagan, the rule was suspended, bill read 2d time, and referred to the Judiciary Committee.

A bill for the relief of settlers in the Mississippi and Pacific Railroad Reserve—read 2d time; and

On motion of Mr. Guinn, referred to the Committee on Public Lands.

A bill providing for the payment of the companies of mounted volunteers, commanded by captains Wm. Tom, jun., Levi English, and Wm. S. Tobin, organized for the protection of the Western frontier of Texas—read 2d time and ordered to be engrossed, by the following vote :

YEAS—Messrs. Bryan, Hill, McCulloch, McDade, Maverick, Palmer, Pedigo, Potter, Russell, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, and Whitaker—15.

NAYS—Messrs. Armstrong, Caldwell, Flanagan, Grimes, Guinn, Lott, Martin, Millican, Pirkey, Weatherford, and Wren—11.

A bill for the relief of Jones Rene—read 2d time, and rejected.

A bill to incorporate the town of Wheelock, in the county of Robertson—read 2d time, and ordered to be engrossed.

A bill for the relief of Philip Howard—read 2d time, and rejected.

On motion of Mr. Flanagan, the vote rejecting the bill was reconsidered, and the bill laid on the table.

A bill for the relief of Elizabeth Reed—read 2d time, and ordered to be engrossed.

A bill for the relief of the heirs, or legal representatives of Sampson Kelly—read 2d time, and rejected.

Report of the Committee No. 2 on Private Land Claims, on the petition of Wm. Carlton, recommending its rejection—read and adopted.

A bill concerning surveys, and to repeal an act approved Feb. 10th, 1852, with the report of the Committee on Public Lands, recommending the rejection of the same, read and laid on the table.

Report of the Committee on Private Land Claims No. 2, on petition of Geo. W. Morgan and W. D. Morgan, administrators of Thos. J. Morgan, deceased, recommending their rejection—read, and the report adopted.



Report of the Committee on Private Land Claims No. 2, on the petition of Eli Dial, recommending its rejection—read and laid on the table.

A bill for the relief of the heirs of Ezekiel Thomas, with the report of the Committee on Claims and Accounts, reporting favorably—read, and

On motion of Mr. Whitaker, re-referred.

On motion of Mr. Armstrong, the vote on a bill for the relief of Capt. Henry Stout was reconsidered, and the bill referred to the Committee on Claims and Accounts.

Mr. Bryan, at his request, was excused from attendance on the Committee on Public Buildings.

Mr. McCulloch, from the Committee on Counties and County Boundaries, submitted the following report :

The Committee on Counties and County Boundaries, to which was referred a bill creating the county of Franklin, have had the same under consideration, and a majority of the members of the Committee present, have instructed me to report:—It is found that the territory included within the proposed county of Franklin, is taken principally from the counties of Nacogdoches and Rusk, with a small portion of the counties of Shelby and Panola. By estimates made at the General Land Office, it is ascertained that the county of Rusk contains, at this time, one thousand and thirty-seven square miles ; that the county of Nacogdoches contains, at this time, nine hundred and thirty-seven square miles ; that the county of Franklin, according to the proposed bill, will contain only five hundred and twenty-one square miles, and that it reduces the county of Rusk to seven hundred and forty-six square miles, and that of Nacogdoches to seven hundred and fifty-seven square miles. That portion of the Committee that have ordered this report, dissent from the opinion of the Governor, respecting the provisions of the Constitution relative to the creation of new counties with a less area than nine hundred square miles, and think that the same power that enables the Legislature to reduce a county under that area by a vote of two-thirds of both Houses, also enables them to create a new county, with a less area, by a similar process, and as counties are corporations formed out of the territory of the State, for the convenience of the citizens contained within its limits, the Committee can see no impropriety in the creation of a new county with a less area than nine hundred square miles, when the wants of the citizens demand it, and when



the counties, from which it is taken, are not materially injured by it.

The Committee find that all the territory composing the county of Franklin, is densely populated, containing about six hundred voters, and that many of her citizens are, at this time, compelled to travel from 20 to 30 miles to attend to their county business, which they regard as a hardship, and which ought not to be imposed upon them, and as there are some four or five hundred names on the petition, asking for this county, it leads us to believe that there is great necessity for the creation of this county, and that there is more unanimity among its citizens, in favor of its creation, than has generally been exhibited in cases of a similar character. We, therefore, ask leave to report the bill back, and recommend its passage with the following amendments.

In the 1st section—strike out “8 miles” and insert “6 miles.”

In the 1st section, 10th line—strike out “12 miles” and insert “10 miles.”

All of which is respectfully submitted.

The following bills were severally read a 3d time and passed.

A bill to incorporate the town of Boston, in the county of Bowie.

A bill requiring County Courts to furnish offices for the Sheriffs and Surveyors of their respective counties.

A bill for the relief of James P. Nash.

A bill for the relief of Fraylan de la Garza.

A bill to create the county of Palo Pinto.

And a bill for the relief of F. R. Lubbock.

A bill concerning railroad charters, which have been or may be forfeited, together with the report of the Committee on Internal Improvements, recommending its indefinite postponement—read, and report adopted.

The report of the Committee on Public Land, on the memorial of certain citizens of Bosque county, asking to be discharged from the further consideration of the same, was read and the petition laid on the table.

The report of the Committee on Private Land Claims No. 2, on a bill for the relief of F. M. White, withholding the relief sought, was read, and bill rejected.

A message was received from the House, informing the Senate that the House had passed a bill to locate permanently the county seat of Newton county, and also that the House



concurred in the Senate's amendments to the House's bill to create and organize the Eighteenth Judicial District, and define the time of holding Courts therein.

A bill for the relief of John W. Collins and Nathan W. Bush—read a 3d time, and passed.

A bill to legitimate the children of Nathan Halbert, and Mary C. Boulriese—read 2d time, and ordered to be engrossed.

On motion of Mr. Hill, the Senate adjourned until tomorrow morning, 8 o'clock.

WEDNESDAY, July 16, 1856.

The Senate was called to order by the President pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Martin presented the petition of Dorothy Welch, and citizens of Kaufman county in her behalf; referred to Committee on Private Land Claims, No. 1.

Mr. Allen presented the petition of the citizens of Wise county; referred to the committee on counties and county boundaries.

Mr. White presented the petition of Fielding Jones; referred to the Committee on Private Land Claims No. 2.

Mr. Pedigo presented the petition of C. A. Lacoste; referred to the committee on the Judiciary.

Mr. McDade presented the petition of J. P. Shelbourne; referred to the committee on Private Land Claims No. 1.

A message was received from the House informing the Senate that the House had passed the Senate's bill to encourage the improvement of the rivers and navigable waters of the State of Texas, by making appropriations for the same; with amendments.

Mr. Taylor of Cass, Chairman of the Committee on Public Debt, made the following report:

The Committee on Public Debt, to which was referred petition of Oscar Farish, have had the same under consideration and find the facts to be as follows: viz: That James Cock, the Collector of the late Republic of Texas for the district of Galveston, on the 13th day of January, 1846, seized upon and took possession of a lot of merchandize for non-payment of customs belonging to E. P. Calkin & Co., that the owners E. P. Calkin & Co., sued out an injunction against the said Cock, for the recovery of the goods so taken, which injunction